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MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
Russell Keene :
Application No. 10/597,990 : DECISION DISMISSING PETITION
Filed: August 15, 2006 : UNDER 37 CFR 1.313(a)
Attorney Docket No. W-359-02 (WAT- :
005US)

This is a decision on the petition filed March 8, 2012, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed as moot** for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 3, 2012, with the issue fee being due on or before May 3, 2012. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 3753 for appropriate processing of the RCE and for consideration of the IDS concurrently filed March 8, 2012.

/Irvin Dingle/
Irvin Dingle
Petition Examiner
Office of Petitions